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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHRISTINE BERNAT,

Civil Action No. 12-2649 (MAS-LHG)

Plaintiff,

v.

STATE OF NEW JERSEY DEPARTMENT OF
CORRECTIONS, EDNA MAHAN
CORRECTIONAL FACILITY FOR WOMEN,
WILLIAM HAUCK, administrator of the Edna
Mahan Correctional Facility for Women, ERICK
MELGAR, JANETTE BENNETT, ALFRED E.
SMALLS, JEFFREY S. ELLIS, LANCE K.
JOHNSON, all individually and in their capacity
as a current and/or former State Correctional
Officers, JOHN DOE 1-10, and JOHN DOE
ENTITY 1-10,

**DECLARATION OF
JEFFREY S. MANDEL, ESQ.**

Defendants.

JEFFREY S. MANDEL, ESQ., hereby declares:

1. I am an attorney at law admitted to practice in the State of New Jersey. I represent the Plaintiff. I am fully familiar with the facts contained herein.
2. Following this Court's grant of summary judgment on October 28, 2015 to Defendants State of New Jersey Department of Corrections, William Hauck, Jeffrey S. Ellis, and Lance K. Johnson, and following the entries of stipulations of dismissal as to Defendants Alfred E. Smalls and Erick Melgar, Plaintiff on April 19, 2016 filed an appeal of the grant of summary judgment.

3. On June 20, 2017, the United States Court of Appeals for the Third Circuit dismissed the appeal due to lack of jurisdiction because, although Plaintiff obtained default against Defendant Jannette Bennett, final judgment had not been entered, thereby rendering the case not final as to all issues and all parties.

4. On July 12, 2017, the Third Circuit filed a certified copy of the judgment order.

5. Also on July 12, 2017, we requested from this Honorable Court guidance on how to proceed because we could not locate a court rule identifying the proper procedure when the case docket entry states “Civil Case Terminated” as opposed to, for example, an Order of Dismissal. We have since been directed to file a formal motion.

6. We respectfully request that this matter be re-opened to address the issue of finality. We also respectfully request that this matter be scheduled for a conference to address that issue and/or to see if the parties can reach an amicable resolution.

I declare under penalty of perjury that the foregoing is true and correct.

By: /s/ Jeffrey S. Mandel
Jeffrey S. Mandel

Dated: 7/21/17